

Message Text

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ACTION NEA-10

INFO OCT-01 EUR-12 ISO-00 L-03 AID-05 CIAE-00 EB-08
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AMEMBASSY JIDDA
AMEMBASSY TEL AVIV
USDOC WASHDC
USINT BAGHDAD
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COMMERCE FOR CAGNE
ATHENS FOR RTDO

E.O. 11652: N/A
TAGS: ETRD, JO
SUBJECT: ARAB BOYCOTT: DEALING WITH BOYCOTT OFFICE QUESTIONNAIRE/
ENFORCEMENT PRACTICES

REF: A) STATE 62525, B) 1977 AMMAN 9385 (NOTAL,
C) 1977 STATE 303166 (NOTAL)

1. THUS FAR WE HAVE FOUND CONTACT WITH GOJ BOYCOTT
OFFICE (RUN BY LOW LEVEL OFFICIAL IN MINISTRY OF FINANCE),
OF VALUE ONLY IN OBTAINING INFORMATION REGARDING LOCAL
BOYCOTT PRACTICE AND STATUS OF BOYCOTT IMPLEMENTATION
IN JORDAN. OFFICE APPARENTLY HAS NO DECISION MAKING
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AUTHORITY. WE HAVE YET TO ENCOUNTER SITUATION
ORIGINATING IN JORDAN THAT INVOLVES BOYCOTT QUESTION-
AIRES OR THIRD PARTY ACCUSATIONS OF BOYCOTT VIOLATIONS
ON PART AMERICAN FIRMS. THIS IS PROBABLY JUST MATTER
OF TIME, HOWEVER.

2. WHILE PRIVATE AMERICAN OR EMBASSY APPROACH TO LOCAL

BOYCOTT OFFICE WILL PROBABLY REMAIN USELESS IN TERMS OF SECURING FAVORABLE ACTION, APPROACH TO DECISION MAKING LEVEL OF GOJ BY EITHER EMBASSY OR REPRESENTATIVES OF US FIRMS IS ALSO UNLIKELY TO PRODUCE FAVORABLE RESULTS. IN EXISTING POLITICAL SITUATION IN MIDDLE EAST, RANKING GOJ OFFICIALS CAN BE EXPECTED TO REMAIN UNWILLING TO BECOME INVOLVED IN MATTERS THAT, WHILE PERIPHERAL TO THEIR MAJOR CONCERNS, HAVE POTENTIAL TO BE DISRUPTIVE DESPITE THEIR BEING ESSENTIAL BESIDE THE POINT. WHEN EMBASSY IN PAST HAS ADDRESSED PARTICULAR BOYCOTT PROBLEMS TO RANKING GOJ OFFICIALS, RECEPTION HAS BEEN POLITE AND ATTENTIVE, BUT IT IS DOUBTFUL THAT DELIBERATE CORRECTIVE ACTION HAS BEEN TAKEN AS RESULT OF THESE DISCUSSIONS. EXCEPTION HAS BEEN DELETION OF OFFENDING LANGUAGE FROM AID FINANCED CONTRACTS.

3. MOST CASES WHERE WE HAVE SEEN SUCCESS IN SOLVING PARTICULAR BOYCOTT RELATED PROBLEMS IN JORDAN HAVE INVOLVED LOCAL AGENT OR ASSOCIATE ACTING ON BEHALF OF HIS AMERICAN PRINCIPAL QUIETLY AND PERSONALLY. TO OUR KNOWLEDGE, ALMOST ALL SUCH CASES HAVE RELATED TO OBJECTIONABLE LANGUAGE IN L/C'S. AS PREVIOUSLY REPORTED, MANUFACTURERS AND BANKS WITH LONGSTANDING GOOD CONNECTIONS IN JORDAN HAVE EXPERIENCED LITTLE DIFFICULTY IN HANDLING THESE ISSUES TO APPARENT LIMITED OFFICIAL USE

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SATISFACTION OF THEMSELVES AND JORDANIAN AUTHORITIES. AT THIS POINT, FOR EXAMPLE, BOTH LOCAL BRANCHES OF AMERICAN BANKS IN AMMAN SEEM ABLE TO LIVE WITH AMERICAN LAW AND JORDANIAN PRACTICE. FIRMS NEW TO MARKET OR HAVING DONE BUSINESS HERE ONLY SPORADICALLY IN PAST HAVE HAD LESS SUCCESS.

4. RECOURSE TO LEGAL PROCEEDINGS IN JORDAN TO PURSUE BOYCOTT RELATED PROBLEM IS PROBABLY VERY BAD IDEA. ALTHOUGH CONTAINED WITHIN BODY OF JORDANIAN LAW, BOYCOTT IS ESSENTIALLY NOT A LEGAL MATTER. ISSUE HERE IS NORMALLY GOVERNED BY PRAGMATIC CONSIDERATION OF SELF-INTEREST, BROAD POLITICAL CONCERNS, AND SOMETIMES PERSONAL ATTITUDES OF JORDANIAN INVOLVED. EVEN LIMITED PUBLICITY ATTENDANT ON LEGAL CASE WOULD FORCE HARDENING OF JORDANIAN BOYCOTT ENFORCEMENT TO DETRIMENT OF CASE IN HAND AND FUTURE CASES.

5. WHILE EMBASSY CERTAINLY REMAINS WILLING TO APPROACH GOJ WITH INDIVIDUAL REQUESTS FOR ASSISTANCE IN SOLVING BOYCOTT PROBLEMS, OUR EFFECTIVENESS CAN BE EXPECTED TO BE LIMITED. OUR MOST USEFUL CONTRIA

BUTION WILL REMAIN INFORMAL EFFORTS TO INFLUENCE
GENERAL CLIMATE IN WHICH GOJ OFFICIALS AND PRIVATE
JORDANIANS MAKE BOYCOTT RELATED DECISIONS. RECENT
PRIVATE DISCUSSION WITH RANKING OFFICIAL OF MAJOR
LOCAL COMPANY, FOR EXAMPLE, IS EXPECTED TO RESULT
IN ELIMINATION OF UNACCEPTABLE BOYCOTT LANGUAGE IN
COMPANY'S TENDERS 94, AT MINIMUM, PERMIT LANGUAGE
TO BE NEGOTIATED OUT OF FINAL CONTRACT. FACILITATIVE
ASSISTANCE SUCH AS THAT OF REFS B AND C WILL
ALSO REMAIN PRODUCTIVE.
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